IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 13908 of 2005

Between:

1 C. Sadananda Reddy S/o. Late Venkata Subba Reddy
Chittoor District.
2 Dammaraju Srinivasa Raju S/o. Obul Raju
Chittoor District.
3 Manchikalapati Seetarama Singh S/o. Narayana Singh
Chittoor District.

..... PETITIONERS

AND

1 The Mandal Revenue officer, Renigunta Mandal, Chittoor District.
2 The joint Collector, Chittoor, Chittoor District.
3 The Director of Survey and Settlements, Hyderabad.
4 The Chief Commissioner for Land Administration, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or direction more particularly one in the nature of a Writ of Mandamus and declare the action of the respondents in assigning our lands in S.No. 335/2 for an extent of Ac. 2.96 cents, S.No. 335/3 for an extent of Ac. 3.00 cents and S.No. 335/4 for an extent of Ac. 2.00 cents out of Annasamipalle Village, Ranigunta Mandal, Chittoor District.

Counsel for the Petitioners: MR.M.SREERAMULU REDDY

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

O R D E R:

This writ petition is filed seeking to declare the action of the respondents in trying to assign the lands of the petitioners in Survey No.335/2 to an extent of Ac.2.96, Survey No.335/3 to an extent of Ac.3-00 and Survey Nos.335/4 to extent of Ac.2.00, respectively, situated in Annasamipalle Village, Renigunta Mandal, Chittoor District, to the third parties as illegal and arbitrary.

It is stated that the petitioners, on 24-12-1982, 14-08-1982 and 29-12-1982, purchased the lands-in-question from one Maddela Subrahmanyam, who, on 01-07-1945, obtained the grant of patta in respect of the said lands from the landholder. The said Subrahmanyam was in possession of the same till the date of sale. The petitioners claim that they are in peaceful possession and enjoyment of the said lands from the date of purchase without any interference. It is also stated that the petitioners came to know that the schedule lands are classified as A.W.D. in Revenue Records and approached the Settlement Officer, Nellore, for the grant of ryotwari patta under Section 11 (a) of the Estates Abolition Act, 1948 (hereinafter referred to as 'the Act'). The Settlement Officer, after scrutinizing the documents and after recording their evidence, granted patta in their favour by S.R.No.184/11(a)/82, dated 05-02-1983. It is further stated that the petitioners perfected their title over

the lands-in-question by way of adverse possession. It is further stated that the petitioners previously filed W.P.No.1683 of 1996 for the similar relief as claimed herein and the same was disposed of on 02-11-1996 directing the Director of Settlements to dispose of the appeal filed by the District Collector, as expeditiously as possible, and in the meanwhile their possession should not be interfered. Subsequently, the Director of Settlements allowed the said revision. Against the same, the petitioners preferred further Revision under Section 7 of the Act before the fourth respondent and the same was adjourned to 10-06-2005 and is pending. While things stood thus, the Mandal Revenue Officer, Tirupathi, received an application at the instance of the local politicians for the purpose of assignment of the lands-in-question to the third parties, who came and tried to dispossess the petitioners on 12-06-2005. Immediately, the petitioners approached the Mandal Revenue Officer, Tirupathi, who expressed his helplessness. Hence, the writ petition.

Having heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents and in view of the facts and circumstances of the case, especially in view of the fact that the Revision is pending before the fourth respondent, I deem it appropriate to dispose of the writ petition.

The writ petition is accordingly disposed of directing the fourth respondent to dispose of the Revision pending on his file, in accordance law, as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order, after giving due opportunity to the parties concerned. Till such disposal, the respondents shall not interfere with the possession of the petitioners in respect of the lands-in-question. No costs.

(ELIPE DHARMA RAO, J)

Date:29-06-2005

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To

1 The Mandal Revenue officer, Renigunta Mandal, Chittoor District.
2 The joint Collector, Chittoor, Chittoor District.
3 The Director of Survey and Settlements, Hyderabad.
4 The Chief Commissioner for Land Administration, Hyderabad.

5 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

6 Two CD copies.

Against the same, the District Collector filed Revision Petition No.90 of 1983, which was allowed by the first respondent on 30-03-1999. The respondents 3 to 15 therein filed objection petition, which was also allowed by the first respondent, and they were brought on record by the Director of Settlements on 20-05-1982. It is further submitted that the first respondent failed to see that notice was finally issued on the Tahsildar on 09-11-1982 to defend the case of the Government. Thus, further notice need not be issued for further hearing as it is the duty of the Tahsildar to file his counter. Hence, the decisions cited for giving opportunity to the effected parties as mentioned in the impugned order are unwarranted and untenable. The petitioners stated that condoning the delay in entertaining application for claims under Section 11 (a) of the E.A. Act was conferred on the Settlement Officer and infact the Settlement Officer, Nellore, condoned the delay after satisfying himself under the circumstances of the case. The finding of the first respondent that the schedule lands are Anadeenam and they are assessed waste dry and the same was under regular Dry Cultivation of the predecessors-in-title of the petitioners prior to the notified date and after the Estate was taken over was incorrect.